



## Michigan Supreme Court

State Court Administrative Office

### Trial Court Services Division

Michigan Hall of Justice

P.O. Box 30048

Lansing, Michigan 48909

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### MEMORANDUM

DATE: December 15, 2005

TO: Judges  
cc: Court Administrators  
County Clerks  
Probation Agents  
Prosecutors

FROM: Nial Raaen, Trial Court Services Director

RE: Reporting of Certain Crimes for Persons Employed by Schools

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A new statute that goes into effect January 1, 2006, is designed to improve statewide and cross-district sharing of information about school employees' criminal backgrounds.

MCL 380.1230d requires that a person employed in any capacity by a school who pleads guilty of or no contest to or who is found guilty after being charged with certain criminal offenses<sup>1</sup> must immediately inform the court he or she is employed by a school.

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<sup>1</sup> MCL 1539b(1) and 1535a(1) contain an identical list:

- (a) Any felony.
- (b) Any of the following misdemeanors:
  - (i) Criminal sexual conduct in the fourth degree or an attempt to commit criminal sexual conduct in the fourth degree.
  - (ii) Child abuse in the third or fourth degree or an attempt to commit child abuse in the third or fourth degree.
  - (iii) A misdemeanor involving cruelty, torture, or indecent exposure involving a child.
  - (iv) A misdemeanor violation of section 7410 of the public health code, 1978 PA 368, MCL 333.7410.
  - (v) A violation of section 115, 141a, 145a, 335a, or 359 of the Michigan penal code, 1931 PA 328, MCL 750.115, 750.141a, 750.145a, 750.335a, and 750.359, or a misdemeanor violation of section 81, 81a, or 145d of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, and 750.145d.
  - (vi) A misdemeanor violation of section 701 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701.
  - (vii) Any misdemeanor that is a listed offense.
- (c) A violation of a substantially similar law of another state, of a political subdivision of this state or another state, or of the United States.

This requirement applies to a person who is employed by a school district, intermediate school district, public school academy, or nonpublic school, or anyone who regularly and continuously works under contract with any of those entities.

In addition to disclosing to the court that he or she is employed by a school, a person who falls within the statute's disclosure requirements must also provide a copy of the disclosure form to the prosecuting attorney in charge of the case, the superintendent of public instruction, and the superintendent or chief administrator of the school district, intermediate school district, public school academy, or nonpublic school. If the person files the new disclosure form with the court, the court is also required to forward a copy of the notice, as well as information regarding the sentence imposed on the person, within 7 days after the date of sentencing, **even if the court is maintaining the file as a nonpublic record**. A new SCAO-approved form (MC292 Disclosure of Employment in Mich. School System) on which a person can make the required disclosure can be found at <http://courts.michigan.gov/scao/courtforms/generalcriminal/mc292.pdf>.

A new provision in MCL 330.1535a(8) also requires the court to provide documentation on the disposition of a case that falls under the new disclosure requirements to the public instruction superintendent. After learning of an employee's conviction, the superintendent of public instruction is required to request a certified copy of the "judgment of conviction and sentence or other document regarding the disposition of the case . . . and . . . pay any fees required by the court." The court is required to provide this certified copy within 7 days of the superintendent's request and payment of fees, or after entry of the judgment or other document, whichever is later, even if the court is maintaining the judgment or other document as a nonpublic record.

If a defendant has been granted either deferred or delayed sentence, the court may send a certified copy of either the delay or the deferral upon the superintendent's request and payment of required fees. A court is not required to send certified copies of both the deferral/delay and the final judgment unless the superintendent of public instruction makes such a request and pays the required fees for certified copies of both documents.

If you have further questions, please contact Dawn Childress at [childressd@courts.mi.gov](mailto:childressd@courts.mi.gov) or (517) 373-3756, Sandi Hartnell at [hartnells@courts.mi.gov](mailto:hartnells@courts.mi.gov) or (517) 373-0122, or Jennifer Warner at [warnerj@courts.mi.gov](mailto:warnerj@courts.mi.gov) or (517) 373-7454.